

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 3: Canjilon Creek

Subfile No. CHCJ-004-0011

MOTION FOR SUBSTITUTION OF PARTIES

IN SUBFILE NO. CHCJ-004-0011

Plaintiff State of New Mexico, *ex rel.* State Engineer, (“State”) moves this Court to issue an order substituting Samantha Buglovsky, Scott Buglovsky, Toby J. Leyba, Jessica Martinez, and Trino Martinez for Defendants Patricia Alarid and Tommy Alarid in Subfile CHCJ-004-0011 in these proceedings. In support of this motion, Plaintiff states the following:

1. The Hydrographic Survey for the Canjilon Creek Subsection of Section 3 of the Rio Chama Stream System (“Canjilon Subsection”) was completed on July 14, 2000 and filed with the Court on July 17, 2000. *See* Doc. 5911. It identified 1.4 acres of irrigated lands in the names of Patricia Alarid and Tommy Alarid (“the Alarids”) under Subfile No. CHCJ-004-0011.

2. In 2002, the Court entered a Default Judgment recognizing a right in the Alarids’ name to irrigate 1.4 acres of land from the El Llano Ditch under Subfile No. CHCJ-004-0011. *See* Doc. 6835, filed 08/29/02.

3. It has since come to the State’s attention that the Alarids never owned all of the 1.4

acres of irrigated acreage described in the Default Order. In fact, only 0.8 acres of the irrigated acreage was owned by the Alarids. The remaining 0.6 acres of irrigated lands was owned by a neighbor who was not joined to these adjudication proceedings.

4. The 0.8 acres of irrigated lands previously owned by the Alarids are currently owned by Samantha Buglovsky, Scott Buglovsky, and Toby J. Leyba.

5. The remaining 0.6 acres of irrigated lands described in the Default Order for Subfile No. CHCJ-004-0011 are owned by Jessica Martinez and Trino Martinez.

6. If this motion is granted, the State intends to create new subfiles for each parcel and to file new Consent Orders under the new subfile numbers. Additionally, the State will move this Court to vacate that portion of the Default Judgment that addresses the rights described in Subfile No. CHCJ-004-0011.

7. Undersigned Counsel has spoken to Trino Martinez and Scott Buglovsky, neither of whom opposes this motion.

WHEREFORE the State requests the Court to enter its order substituting Samantha Buglovsky, Scott Buglovsky, Toby J. Leyba, Jessica Martinez, and Trino Martinez for Defendants Patricia Alarid and Tommy Alarid in these proceedings. Additionally, the State requests the Clerk of Court to serve the order on Samantha Buglovsky, Scott Buglovsky, and Toby J. Leyba at P.O. Box 301, Chama, NM 87520; and on Jessica Martinez and Trino Martinez at 24A Sunset Trail W., Santa Fe, NM 87508, pursuant to this Court's *Order* (Doc. 10891, filed 02/04/13).

Respectfully submitted,

/s/ Felicity Strachan

Felicity Strachan
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 819-1044
felicity.strachan@state.nm.us

Certificate of Service

I certify that on October 1, 2018, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Felicity Strachan
Felicity Strachan